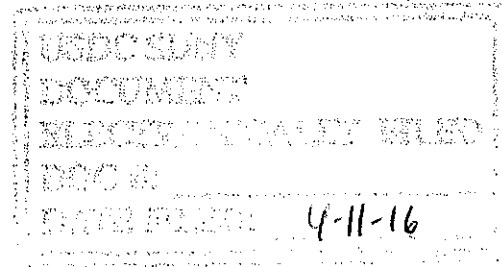


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA, :
:
:
v. :
:
CHARLES FAMILETTI, JR., :
:
:
Defendant. :
:
-----X

13 Cr. 903 (LAP)

ORDER



LORETTA A. PRESKA, Chief United States District Judge:

By the attached letter dated April 10, 2016, defense counsel requests that he be permitted to (1) file Defendant Familetti's sentencing submission by mid-week; (2) file the submission under seal; and (3) reserve the right on behalf of Defendant Familetti to file an objection to or dispute restitution requested by the Government.

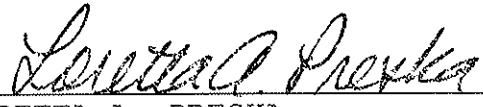
As agreed upon by counsel, Defendant Familetti's sentencing submission shall be filed by April 14, 2016 and the Government shall file its submission by April 19, 2016. The Court hereby grants defense counsel permission to redact portions of Defendant Familetti's submission that include references to the Defendant's physical and mental health. The remainder of the submission shall be filed without redaction. Defense counsel shall docket the redacted version of the Defendant's sentencing

submission and also shall submit an unredacted version of the Defendant's submission under seal. Finally, defense counsel's request to reserve the right on behalf of the Defendant to file an objection to or dispute if the Government requests restitution is granted.

SO ORDERED.

Dated: New York, New York

April 11, 2016


LORETTA A. PRESKA
Chief U.S. District Judge

RANDY SCOTT ZELIN PC

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Randy Zelin
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April 10, 2016

By Fax
The Honorable Loretta A. Preska
Chief Judge
United States District Court
Southern District of New York
500 Pearl St.
New York, N.Y. 10007

Re: United States v. Familetti
Criminal Docket no.: 1:13-cr-00903 (LAP)

Dear Chief Judge Preska:

I represent Charles Familetti. Sentencing is scheduled for April 25, 2016. The reason for my letter is three-fold (none of which seek an adjournment).

First, there is the matter of the submission date for the defense memorandum. I do not believe there was a scheduling order regarding filing deadlines. I was hoping to file my submission for Mr. Familetti mid-(this) week if that meets with your Honor's approval. Second, I respectfully request permission to file the submission under seal given the sensitive nature of the offense conduct and references to my client's physical and mental health. I have no issue with whatever date the government would like to file its submission.

Finally, there is the matter of restitution. The Presentence Report does not provide for a position by the Probation Department other than to suggest that restitution is mandatory (PSR ¶123). I do not know at this juncture what the government is requesting by way of restitution and what proof will be offered as relates specifically to my client from, for example, a proximate cause standpoint. Therefore, I respectfully reserve the right on behalf of my client to file an objection to, or dispute, restitution requested by the government pursuant to Title 18, U.S.C. §2259 and *Paroline v. United States*, 134 S. Ct. 1710 (2014), see also; *United States v. Darbasio*, 14-CR-311 (EV) (Memorandum and Order issued March 10, 2016).

Thank you for your kind consideration.

Respectfully submitted,


Randy Zelin

RZ:nb

cc: Patrick Egan, Esq.
Jessica Fender, Esq.
Sarah Krissoff, Esq.
by email .pdf